

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KADEEM JOHN,

Plaintiff,

-against-

CITY OF NEW YORK, NEW YORK CITY
DEPARTMENT OF CORRECTION ("DOC")
SUPERVISING WARDEN ARTHUR OLIVARI;
CHIEF OF DEPARTMENT LARRY W. DAVIS,
SR.; WARDEN EMMANUEL BAILEY;
DEPUTY WARDEN WALTER NIN;
CORRECTION OFFICER "DJ" DOE; and
CORRECTION OFFICER JOHN DOES #1-#5,

Defendants.

PATTERSON, S.

USDC SDNY	
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ELECTRONICALLY FILED	
DOC #:	
DATE FILED:	6/15/12

No. 11 Civ. 5610 (RPP)

**STIPULATION AND
SETTLEMENT OF
ATTORNEYS' FEES**

WHEREAS, Plaintiff commenced this action on August 8, 2011, alleging violations of federal and state law, and

WHEREAS, Plaintiff filed a motion for sanctions on February 7, 2012 and

WHEREAS, the Court granted Plaintiff's motion on March 28, 2012, and

WHEREAS, counsel for Plaintiff and Defendants now desire to resolve the issue of Plaintiff's counsels' attorney fees, costs and expenses, accrued in connection with their motion for sanctions without further proceedings; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above captioned action, as follows:

1. Defendant City of New York shall pay to Plaintiff's counsel Emery Celli Brinckerhoff & Abady LLP ("ECBA") the sum total of Thirteen Thousand Dollars (\$13,000.00) for work conducted by ECBA and The Legal Aid Society in this action in connection with

Plaintiff's motion for sanctions dated February 7, 2012. This payment shall be in full satisfaction of all claims by ECBA, The Legal Aid Society, and/or Plaintiff for attorneys' fees, costs and/or expenses accrued in connection with Plaintiff's motion for sanctions dated February 7, 2012. In the event of any future award of attorneys' fees and costs in this action, Plaintiff's counsel and/or Plaintiff will not seek any additional compensation for attorneys' fees, costs and/or expenses accrued in connection with Plaintiff's motion for sanctions dated February 7, 2012.

2. Nothing contained herein shall be deemed to be an admission by the Defendants that they have in any manner or way violated Plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York.

3. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

4. This Stipulation shall not be admissible in, nor is it related to, any other litigation, or settlement negotiations, and nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

5. The parties further agree that facsimile or electronic copies of signatures are equivalent to originals.

Dated: New York, New York

June 13, 2012

By:


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Adam R. Pulver
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-and-


Diep Nguyen, Asst. Corp. Counsel
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Attorney for Defendants

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Attorneys for Plaintiff

SO ORDERED:

Date: June 15, 2012


HON. ROBERT P. PATTERSON, U.S.D.J.

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